

1 this all one, kind of like one case.

2 I'm sure we have separate file folders like you have
3 there.

4 Q. Did you raise your voice to Wendy or anyone else at
5 the board of health that day?

6 A. I don't believe I raised my voice.

7 Q. Were you asked to leave the office?

8 A. I think somebody said -- after I had started to
9 leave the office, somebody said, "Please leave the
10 office," and I was on my way out the door at the time.

11 But I don't believe it was Wendy that said that.

12 Q. Do you know who it was that asked you to leave?

13 A. I think it was the agent Alyssa Rusiecki.

14 Q. Did you have any conversations with Alyssa Rusiecki
15 that day, January 8, 2001?

16 A. I might have turned around and said, "Oh, there you
17 are," or something to that effect. "You're the person
18 that has the knowledge I need. I'd like to ask, would you
19 reply and help me get some answers to Title 5 questions?"
20 And I think she rebuffed me.

21 Q. Had you, prior to January 8, 2001, had conversations
22 with Alyssa Rusiecki with regard to the property at
23 27 Central Street?

24 A. I have tried to have conversations with her many,

1 individual questions she asks.

2 A. Okay. Yes. I got a call from him.

3 Q. (By Ms. Fitzgerald) And about what time did you get
4 that phone call?

5 A. I think it's somewhere 4, 4:30, quarter to 5.

6 Q. Did he call you, or did you call him?

7 A. He called me at my request.

8 Q. And between the time you left the board of health
9 office in the morning and the time you received the phone
10 call from Charlie Costello that afternoon -- and again,
11 I'm talking about January 8, 2001 -- did you have
12 conversations with anyone else from the Town of Rowley
13 during the day?

14 A. Yes, I did.

15 Q. Who did you speak with?

16 A. I went directly to the selectmen's office.

17 Q. After leaving the board of health, you went to the
18 selectmen's office?

19 A. Selectmen's office.

20 Q. And what did you go to the selectmen's office for?

21 A. To make a complaint.

22 Q. And what time was that?

23 A. Maybe it was 9:00.

24 Q. And who were you complaining about?

1 A. I was complaining about the board of health and not
2 receiving and not being -- being refused service that I
3 needed in order to make repairs and make a design for
4 27 Central Street."

5 Q. And did you speak with somebody at the board of
6 selectmen's office?

7 A. Yes. I did.

8 Q. And who did you speak with?"

9 A. I'm not quite sure. I don't remember the name. I
10 believe I asked for the administrator or --

11 Q. Did you actually speak with the town administrator
12 that day?

13 A. I spoke with somebody.

14 Q. Was it a man or woman?

15 A. It was a woman.

16 Q. And you don't know what her name was?

17 A. I probably have it written -- I'm sure I have it in
18 my notes now. I just can't recall. They have a number of
19 people there, and it's hard to keep track of the different
20 ones.

21 Q. You know who the town administrator is for the Town
22 of Rowley?

23 A. I do now.

24 Q. Was that the person you spoke with on January 8,

1 A. What type of direction? Well, specific direction to
2 do a 15.303, 15.304. That's maximum feasible compliance.

3 Q. But --

4 A. And to -- one event, to comment or give me
5 directions regarding the repairs. What's authorized,
6 what's not. What's considered a repair, what's not.

7 And I was hoping maybe to show her that the repairs
8 had been done so as to clarify disputes and so forth, and
9 then so I could have the proper direction to complete a
10 design.

11 Q. And when you went to the board of health on
12 January 8, 2001 and spoke either with Wendy or whoever it
13 was that you were speaking with, what information did they
14 give you?

15 A. None.

16 Q. And what did they say? Did you ask specifically
17 that "I'm looking for information with regard to these two
18 sections"?

19 A. Yes. Exactly.

20 Q. And then -- and what was the response that you
21 received?

22 A. I don't -- my response -- or their response was
23 usually -- well, I believe it was that Wendy's -- I guess
24 she did not have the expertise in Title 5.

1 Q. Wendy informed you that she didn't have the
2 expertise --

3 A. Well, she's told me that a number of times.

4 MR. KENNEY: Let her finish.

5 A. I'm sorry.

6 Q. (By Ms. Fitzgerald) Wendy told you she didn't have
7 the expertise in Title 5?

8 A. Regarding what I was asking, yes.

9 Q. And so what is the basis for your statement that
10 they weren't being cooperative? What else was it that
11 they did or failed to do that caused you to make the
12 complaint to the board of selectmen?

13 A. Because I continuously asked for a heart-to-heart
14 with the agent or anybody with authority.

15 Q. A heart-to-heart about what?

16 A. Title 5. And giving direction for Title 5 --

17 Q. And it's your --

18 A. -- to resolve the problems at 27 Central Street.

19 Q. And it's your position that the board of health was
20 refusing or the people in the board of health office were
21 refusing to provide you with that assistance?

22 A. Exactly. That's correct.

23 Q. When you went to the board of selectmen that day
24 after leaving the board of health and you made a

1 complaint, how long were you there?

2 A. I'm not quite sure. It might have been 15 minutes.
3 Twenty minutes, maximum. Fifteen, twenty. Half an hour
4 maybe. I'm not quite sure.

5 Q. Other than speaking with this woman whose name you
6 don't recall or know, did you speak with anyone else at
7 the board of selectmen that day during the day?

8 A. Possibly. I go down there -- I've been down there
9 so many times, it's -- without my notes -- sometimes you
10 have to differentiate between one visit and the other.

11 Q. The notes that you have with regard to your dealings
12 with the board of health and the board of selectmen, are
13 they in chronological order?

14 A. As good as I can do it.

15 Q. Is it similar to like a diary so it would say, for
16 instance, "January 8, 2001" --

17 A. No.

18 Q. -- "at 9:00, went to board of health, refused
19 information," or something like that or --

20 A. No.

21 Q. How is it set up? How are your notes kept?

22 A. I would write notes down.

23 Q. Are they just on single pieces of paper or --

24 A. Yeah. Single. Sometimes on legal pads and

1 conversation at the board of selectmen's office, you then
2 left the board of selectmen's office?

3 A. Yes, I did.

4 Q. And did you go to any other town office in the Town
5 of Rowley that day before you actually spoke with
6 Mr. Costello?

7 A. I don't recall at this time. I may have. I don't
8 recall at this time.

9 Q. At some point on January 8, 2001, you did receive a
10 phone call from Charlie Costello, correct?

11 A. Yes, I did.

12 Q. And where were you when you received that phone
13 call?

14 A. I was in the kitchen at 441 Central Street.

15 Q. Was anyone else present when you received that phone
16 call?

17 A. Nathalie Cook was present.

18 Q. At 441 Central, that's your home?

19 A. Yes.

20 Q. About what time did Mr. Costello call you?

21 A. I believe -- I think it was somewhere between 4 and
22 5. 4:30.

23 Q. And just so I'm clear, between the time you left the
24 board of selectmen's office in the morning at the time you

1 made the complaint and the time you received the call from
2 Mr. Costello, you hadn't had any conversations, at least
3 that you recall today, with anyone else at the Town of
4 Rowley about your complaint that you weren't getting
5 service from the board of health office?

6 A. I can't recall without going and looking at my *notes*
7 notes, but I may have. I may have.

8 Q. Who else would you have made that complaint to?

9 MR. KENNEY: Objection.

10 You can answer.

11 Q. (By Ms. Fitzgerald) At the Town of Rowley?

12 A. Anybody that would listen.

13 Q. Specifically, other than going to the board of
14 selectmen?

15 A. I'd have to look back at my notes to see -- I talked
16 to many agencies that day. State agencies.

17 Q. Did you speak with DEP?

18 A. I believe I did.

19 Q. Do you know who you spoke with at DEP?

20 A. The fellow that answers the hotline, I'm sure.

21 Q. And did you speak to someone at DEP to make a
22 complaint about the Rowley board of health office?

23 A. I think it became, at that particular point, a
24 general complaint of the whole -- I'm sure it included

1 that I was not receiving services of the board of health
2 in resolving the problem at 27 Central Street.

3 Q. When Mr. Costello called, did he tell you the
4 purpose for his call?

5 A. Yes, he did.

6 Q. What did he say?

7 A. He said the town selectmen's office had called him.
8 And he said, "I've been trying to get hold of you. I
9 called several times." He said he called several times
10 that day.

11 Q. And then what did he say to you?

12 A. "How can I help you?" Something like that.

13 Q. And what did you say to him?

14 A. Well, I said that I think that we could -- I'm
15 trying to recall, but I'd have to go back to my notes to
16 see what I did say exactly, but I think I probably went
17 over the scene at 27 Central Street and asked him for help
18 in that.

19 And I think I probably asked him what he thought of
20 the hydrologist tests that they had requested that we do.
21 And he gave me -- I don't believe he would answer that
22 question to my satisfaction or any -- I think he started
23 backpedaling on the hydrologist's test that he'd asked for
24 or the board had asked for. And I think they --

1 What was the question again? How much do you want
2 me to tell you?

3 Q. What I want to know basically is what you said to
4 him and what he said to you, what you recall about the
5 conversations.

6 A. Well, I asked him to give us assistance in getting
7 the situation resolved. And I believe I started to tell
8 him, too, that I was thinking that -- I was hoping that he
9 would change his procedures and work with us, work with
10 people in general. And I think I mentioned to him that
11 they -- I was hoping that they would look at the way they
12 operate in promulgating their laws and rules and
13 regulations.

14 And I think I told him it's a possibility with
15 today's world that it could be a safety issue. The fact
16 that they hinder people from resolving their problems,
17 actually obstruct them from resolving the problems, could
18 be a safety issue and so forth. And I think I mentioned
19 Colebrook and Wakefield.

20 I think he wanted to know what I meant -- what they
21 were -- I couldn't even remember whether it was Woburn or
22 Wakefield to begin with or what town.

23 So he asked me about, "What do you mean by
24 'Wakefield'?"

1 And then I think I may have said something to the
2 fact, well, it's -- when he asked me to explain that, that
3 I'm not -- I think I said to him something about "I don't
4 want you to take this in any threatening way or anything
5 like that."

6 And I'm probably using this kind of a voice as I'm
7 saying to him that, but it was -- when we had this
8 Colebrook and Wakefield event which involved the disaster
9 that happened, whatever it was, that -- I don't know if
10 you remember that yourself.

11 And the reason that I mentioned that and the reason
12 why this matter came to my mind is because Nathalie Cook's
13 daughter worked with and was killed by this fellow in
14 Wakefield or that incident only three weeks before. And
15 we had talked about that in our family, amongst the
16 families, two or three or four times.

17 And then it occurred to me that the situation that I
18 was involved with with the Town of Rowley, it's a
19 possibility that a situation could occur like that in the
20 Town of Rowley.

21 So I had this -- I felt a need to -- to relate this
22 to the administrator, the one that's responsible for
23 administering the health laws. And he was the only
24 person and selectmen would be the only person that would

1 be the appropriate persons to address that issue.

2 So we had that conversation, and he started saying
3 that was -- "Well, I'm taking that as a threat."

4 And I think I -- in the same voice that we're
5 having, I said, "Listen, you shouldn't be taking that as a
6 threat because it's not a threat. I'm talking to you.
7 You're -- as a -- you're the boss here. It's something
8 you need to look at." And still does, by the way, need to
9 look at that.

10 "You need to look at it now because the way you're
11 operating, the way the board of health is operating, you
12 are -- if you picked on the wrong person the way they
13 picked on me, who knows whose triggers -- who knows when
14 something would trigger something like that that would
15 happen in those towns. It was a terrible event, and we
16 certainly don't want it to happen here in Rowley or any
17 other town."

18 Q. Did you say that Ms. Cook's daughter was in --

19 A. Had worked with one of the workers that was killed.

20 Q. Was she present when the shooting occurred in
21 Wakefield, Ms. Cook's daughter?

22 A. I don't believe so. No.

23 Q. Do you recall stating something to Charlie Costello,
24 the fact that you don't want what happened in Wakefield to

1 night, you went to the board of selectmen meeting?

2 A. That's correct.

3 Q. And did you have any items on the agenda that night
4 with the board of selectmen?

5 A. No.

6 Q. So what was your purpose for going to the board of
7 selectmen that night?

8 A. To make a complaint.

9 Q. About what?

10 A. I wished to have an executive session that involved
11 my -- me.

12 Q. An executive session to discuss what?

13 A. To discuss my conversation with Mr. Costello.

14 Q. What was it about -- did you want to make a
15 complaint to the board of selectmen about Mr. Costello?

16 A. Yes.

17 Q. What was it --

18 A. But mostly about me. I wanted to tell the selectmen
19 all about the conversation.

20 Q. What was it that you wanted them to know about the
21 conversation you had with Mr. Costello?

22 A. That Mr. Costello was -- got the wrong impression or
23 wrong -- took a wrong -- I don't know. I guess --

24 Q. Got the wrong impression about the statements you

1 made about Wakefield?

2 A. Yes.

3 Q. Why did you think you had to go into an executive
4 session to do that?

5 A. Well, I don't think -- I thought that was -- would
6 be the polite thing to do to -- because he's the head of a
7 board that requires respect from townspeople and so forth.
8 And I wasn't trying to embarrass him. I just wanted to
9 let the selectmen know what was going on, to some of them,
10 as they have a duty to that effect. And so that's what I
11 was there for.

12 Q. Did you tell the board of selectmen that you didn't
13 think Mr. Costello should be on the board of health?

14 A. I believe that I may have. I thought he should
15 recuse himself.

16 Q. Did one of the selectmen indicate to you that he
17 believed you had threatened a town employee?

18 A. I believe something like that.

19 Q. He told you that he got a call from Mr. Costello,
20 that he was upset about what you had said?

21 A. I believe.

22 Q. And did you again -- did you make the statement to
23 the board of selectmen that you were trying to prevent
24 another Colebrook, New Hampshire or Wakefield from

1 happening?

2 A. I may have said that. Yeah. I did say that.

3 Q. And you were aware when you made that statement that
4 when you had made it previously to Mr. Costello, that he
5 felt threatened by it, correct?

6 MR. KENNEY: Objection.

7 A. Correct.

8 MR. KENNEY: You can answer.

9 A. Correct.

10 Q. (By Ms. Fitzgerald) Yet despite knowing that
11 Mr. Costello was threatened, you repeated the same
12 statement to the board of selectmen?

13 MR. KENNEY: Objection.

14 You can answer.

15 A. Naturally I would do that because that was what was
16 said and it had to be referred to. It doesn't make sense
17 to refer to anything else.

18 The selectmen run the town, and I believe that they
19 should know what the -- the right hand needs to know what
20 the left hand's doing.

21 Q. (By Ms. Fitzgerald) Do you recall one of the
22 selectmen telling you that you shouldn't go around making
23 statements like that to public employees because they
24 might take it as a threat?

1 A. I think that I recall him saying that. I think he
2 was wrong about saying that. I think I had an obligation
3 to say something like that in this case. As a citizen, it
4 was shirking my duty not to bring it to their attention.
5 They're the officers. They're the chiefs.

6 Q. Did you believe that Mr. Costello and the board of
7 selectmen weren't aware that there had been a shooting in
8 Wakefield or Colebrook, New Hampshire?

9 MR. KENNEY: Objection.

10 A. I'm not sure. I had no idea what they knew or
11 didn't know.

12 Q. (By Ms. Fitzgerald) But you thought it was
13 important to bring it to their attention?

14 A. Absolutely.

15 MR. KENNEY: Objection. Misstates the
16 testimony.

17 Q. (By Ms. Fitzgerald) So how long were you at the
18 board of selectmen that night?

19 A. Well, I believe I waited an hour. Sitting in the
20 seat, waiting an hour and waited for my turn.

21 MR. KENNEY: The question is how long you
22 were there total.

23 A. Maybe an hour and a half or so.

24 Q. (By Ms. Fitzgerald) And then after you left the

1 board of selectmen, you went to the board of health?

2 A. Yes. I did.

3 Q. And what was the purpose for going to the board of
4 health that night?

5 A. I went there to address face to face with
6 Mr. Costello, to tell him that I know that he knew that it
7 was never intended as any threat, that it was not a
8 threat. And I was little upset because he was doing that,
9 so -- and I did it in a polite way, so --

10 Q. Did you make similar comments about Wakefield and
11 Colebrook, New Hampshire to any state offices on
12 January 8, 2001?

13 A. Yes.

14 Q. Who else did you make that statement to? The DEP?

15 A. I believe I made it to the DEP, to the environmental
16 affairs head office, to the lieutenant governor's office
17 and including the FBI accidentally. Somebody directed it
18 to the FBI office accidentally, by the way. As far as I
19 know.

20 Q. I'm going to show you a document that's been marked
21 Exhibit No. 1. Tell me if you've ever seen that document.

22 A. Yes, I have.

23 Q. Is this the letter that you were given by the Rowley
24 Police Department on January 9, 2001, indicating that in

1 Q. What evidence do you have to support that claim?

2 A. Evidence from Mark Tolman.

3 Q. Who?

4 A. Mark Tolman.

5 Q. T-O-L-M-A-N?

6 A. T-O-L-M-A-N. Mark Tolman.

7 Q. And who's he?

8 A. He was a director for the city of Newburyport.

9 Q. And what did he tell you?

10 A. He said that people from town officials in Rowley
11 have told him that I was not suitable, someone -- that I
12 shouldn't have a license.

13 Q. Did he say what particular officials in the Town of
14 Rowley --

15 A. I asked him that.

16 MR. KENNEY: Let her finish. You're
17 talking over her.

18 Now you can go.

19 Q. (By Ms. Fitzgerald) Did you ask him -- did he tell
20 you what officials?

21 A. No. He said there was several. Like ten. He used
22 that word. "Ten." "There's ten people."

23 Q. Did he tell you names?

24 A. No. I asked him.

1 Q. I'm sorry. Mr. Tolman?

2 A. Mark Tolman.

3 Q. And what is his title?

4 A. He was health director. Agent. Health agent.

5 Q. And when did he tell you that?

6 A. He told me that upon renewal the first year.

7 MR. KENNEY: She wants a date.

8 A. It would have been June or something of last year.

9 Q. (By Ms. Fitzgerald) Of 2003?

10 A. Yeah.

11 Q. You have an installer's license in Newburyport?

12 A. Yes, I do.

13 Q. Where else do you have an installer's license?

14 A. City of Haverhill.

15 Q. Was there some delay in you getting your installer's
16 license in Newburyport?

17 A. Yes, there was.

18 Q. When did you apply, and when did you get it?

19 A. Let's see. I applied when Mr. Gallagher was the
20 agent there.

21 MR. KENNEY: She wants your best
22 approximation of the time.

23 Q. (By Ms. Fitzgerald) When you applied and when you
24 received it.

AFFIDAVIT

ROWLEY, MASSACHUSETTS

TO WHOM IT MAY CONCERN


I Nathalie Cook, was present on Monday, January 8, 2001 at approximately 5:00 PM when Mr. Charles Costello of the Rowley Board of Health returned Nick Hurlin's phone call. Mr. Hurlin thanked Mr. Costello for returning his call. Mr. Hurlin explained that he had called him several times over the past year and had not had any response back. Then Hurlin said to him that the Board of Health on two occasions had told us to use a hydrologist which we did. Mr. Hurlin asked what were his thoughts about the results that had been submitted. Mr. Hurlin said you can't always do just what Ferris and Madeline Morris say they have not acted properly. Mr. Hurlin stated that he was pleased that the results were not what he expected. Hurlin asked Mr. Costello if he worked for the DEP, twice he had to ask him. Hurlin said it would be hard to take an opposite stance from the DEP. Who stands up for the citizens of Rowley. Mr. Hurlin said it hasn't been lived in since 1991. Mr. Hurlin said that was not acceptable seeing how long this had been going on. If this was your Mothers home this would have been completed. Mr. Hurlin said it should be completed soon. You cannot keep operating this way and we must look at the rules and regulations and how they applied with introspection and keeping in mind fairness and affect upon society and now I don't want you to misinterpret and this is not a threat so don't take it that way but if he was someone who didn't use the law and what happened to him in this case happened to them this could be another Col. and Mr. Hurlin asked me for the town, then he added Woburn or Wakefield. ****at the moment, Mr. Costello started yelling "that's a threat, that's a threat, threat." 4 times Mr. Hurlin reiterated to Mr. Costello 4 times that it was not a threat just that I shouldn't take years to get a septic repaired and if it was someone else it was possible that it could have turned into a Wakefield or a problem. Mr. Hurlin told Costello that he had told several State & Federal agencies earlier today pretty much the same complaints and discussions and numerous rules and regulations and their effect on society with a reference to Wakefield & Colby. He stated it was unreasonable to wait 12 years to fix your toilet.

I asked to speak to Mr. Costello because Mr. Costello is always saying Mr. Hurlin has a history of being argumentative and uncooperative. I told Mr. Costello that I had Nathalie Cook and who wouldn't be argumentative. If you had been having a problem for years and the problem was not solved. That is all I have to say. Mr. Hurlin took the phone back and Mr. Costello said he would put it on the Agenda for the 1/22/01 BOH meeting. Mr. Hurlin stated to Mr. Costello we should terminate this conversation and there was nothing in this conversation intended to be or was a threat. Good-bye.

Mr. Hurlin is my agent and is to work with me to help get the septic system repaired. This was an agreement I made with Mr. Hurlin when I purchased 27 Central Street.

I would like you to know that Mr. Hurlin had been discussing policy and regulations and the affects they have on our society and what influence pertain to Wakefield and the others. My daughter and her husband had been co-workers of one of the victims of Wakefield.

Signed under the pains and penalty of perjury on the 12th of January


Nathalie A. Cook

Wc:aff

January, 12, 2001 Please put in Nicholas Hurlin and
Nathalie Cook - 27 Central St. File

Town of Rowley Police Department
477 Haverhill Street
P.O. Box 365
Rowley, MA 01969

Fax 948-7087 Chief of Police Berry

Dear Chief Berry,

On my reviewing the police report by 14 David Sedgwick on 1/10/01
2145 he failed to mention that Mr. Hurlin had asked for a closed
session at the Rowley Board of Selectmen Meeting but was refused.
Mr. Hurlin talked about his questions at the meeting and what he
discussed with agencies during the day.

Sedgwick failed to mention that Mr. Hurlin had talked that day to
5 State & Federal agencies and had gone over with them and used
much the same language and manner as used when talking to Mr. Costello
and the BOS and not one of these agencies were upset about what
Hurlin had said and what they had been discussing.

Mr. Hurlin said this was not about the on going problem with the
but the inconsistent application of the rules and regulations and
they are applied.

I believe Mr. Hurlin mentioned that these people are the policy makers
and if people can not address their grievances to officials then the
only way for people to go is through the court system.

Sedgwick failed to mention that I was present when Costello returned
Hurlin's phone call and Mr. Hurlin had said 3 or 4 times that this
was not a threat and tried to explain to Mr. Costello.

I believe I said I had spoken to Mr. Costello close to the end of
their phone conversation and I had asked Mr. Costello "Who wouldn't
be argumentative over the past years with this problem going on for
years".

Hopefully Sedgwick's 2 way radio might have been on directly to
office so this meeting was on tape and we could verify or correct
errors and omissions on the report.

If Sedgwick disagrees with any of this please have him or you
on this matter.

Thank you,
Sincerely,

Nathalie Cook

Nathalie Cook
P.O. Box 107, 27 Central Street
Rowley, MA 01969
978-948-7411

For Date: 01/08/2001 - Monday

Call Number	Time	Call Reason	Action	Priority
01-435	1830	Phone - ASSIST MUNICIPAL AGENCIES	INVESTIGATED	3
Call Taker: Kenneth Belson Location: BENNETT HILL RD Principal Party: HURLIN, NICHOLAS @ 441 CENTRAL ST - ROWLEY, MA 01969 978-948-7411 Unit: 14 Sedgwick - Disp-1830 Arvd-1832 Clrd-1905				

Narrative:

Rp requesting to speak with the duty officer.
14 off on Bennett Hill Rd.

Attilio Paglia requested that I speak with him regarding an incident that occurred today between the Board of Health and Nick Hurlin 419 Central St. Paglia explained that Charlie Costello (Chairman of the BOH) received a threat and I should speak with him. Paglia stated that the issue would be brought up at the Selectman meeting held at 1930 hours.

I went to Costello's house located on Bennett Hill Rd. Costello explained that Hurlin came to the office of the Board of Health during the morning hours and caused a problem. Hurlin was asked to leave by the two women assistants. Hurlin then went to the Selectmen's office and caused a disturbance. Costello was contacted at his work and was asked to speak with Hurlin. Costello, the BOH, and Hurlin have had a long and unstable history.

Costello attempted to contact Hurlin on a couple of occasions eventually reaching him at approximately 1730 hours. Costello stated that the conversation began to go sour until Hurlin finally stated to Costello; "You don't want what happened in Wakefield?" Costello questioned Hurlin as to the statement just made. Hurlin did not take it back or back down from the statement.

Costello contacted Selectman Madden and Selectman Paglia before the RPD was contacted. I observed Costello to be visibly shaken and disturbed by the threat. I advised Costello that threatening of a public official is a crime and he could be charged. Costello did not wish to go this route in fear of upsetting the situation.

I advised Costello to send Hurlin a certified letter. The letter should include that Hurlin is no longer to conduct business in person at the BOH office. A copy of this letter should be sent to the RPD and selectmen. I also advised Costello that I would take up this matter with Chief Barry prior to speaking with Hurlin. Chief Barry would be able to contact the Selectmen Office and develop a plan for an appropriate response to Hurlin's threat.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10833MBB

NICHOLAS E. HURLIN
Plaintiff

v.

TOWN OF ROWLEY,
Defendant

AFFIDAVIT OF CHARLES COSTELLO

I, Charles Costello, under oath, state as follows:

1. I am the Chairman of the Rowley Board of Health. I also held this position on January 8, 2001 when the Plaintiff made what I believed to be threatening statements to me.

2. The Plaintiff made the threatening statements to me during a telephone conversation. I had called the Plaintiff after learning that he had engaged in disruptive behavior at the Board of Health office earlier that day and was asked to leave by the Health Agent. I was informed that the Plaintiff wanted to discuss his alleged treatment at the Board of Health office that day.

3. During our conversation, the Plaintiff said something to the effect that he did not want a "Wakefield" or "Colebrook, New Hampshire" to happen in Rowley.

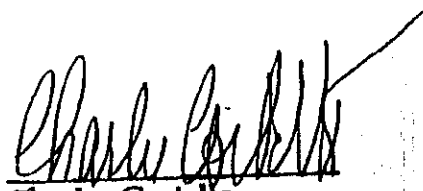
4. I was shocked and upset by the Plaintiff's statements and believed he was threatening me and /or employees of the Town of Rowley, as he was referring to two well-publicized incidents in which a number of people were shot to death. In fact the Wakefield shootings had occurred only days before the Plaintiff made his statements. In addition, although I had seen the Plaintiff engage in disruptive and argumentative behavior in the past, he had never used such threatening language towards me or other town employees that I was aware of.

5. After the Plaintiff made his threats, I asked him to repeat what he had said. Rather than withdrawing his threats and apologizing to me, he said something to the effect of "you heard me."

6. After ending my conversation with the Plaintiff, I called A.J. Paglia who is the Chairman of the Board of Selectmen and who has experience in law enforcement. I informed Mr. Paglia of the threats and then I called the Rowley Police Department.

7. The Plaintiff appeared at the Rowley Board of Health meeting later that same evening. He was not on the agenda. He stated to the Board of Health that the statements he had made earlier to me were not threats but a request that such a thing not happen. He stated he was angry that his statement was taken as a threat and angry with the Board of Health for not helping him resolve the problem he has.

Signed under the pains and penalties of perjury this 29 day of January, 2005.



Charles Costello